IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

Crl.Rev.Pet.No. 536 of 2000

CRL.A.81/1999 OF III ADDL.SESSIONS COURT, ERNAKULAM
CC.714/1995 OF JUDL.MAGISTRATE OF FIRST CLASS, KOLENCHERRY

.....

REVISION PETITIONER/ APPELLANT/ 1ST ACCUSED:

PAUL, AGED 52, S/O. PETER,
KAVALANIKKAL VEEDU,
ERUMELY KARA,
KUNNATHUNADU VILLAGE.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR),
SRI.GEORGE VARGHESE KIZHAKKAMBALAM.

RESPONDENT/ RESPONDENT/ COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY DIRECTOR GENERAL OF PUBLIC PROSECUTION,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. K.C. SANTHOSH KUMAR.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 29/10/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY, J.

Crl.R.P. NO.536 of 2000

Dated this the 29th day of October, 2007

Order

Revision petitioner herein was convicted and sentenced to pay a fine of Rs.2,000/- for the offence punishable under section 324 of the Indian Penal Code and Rs.1,000/- under section 323 IPC. There were two accused in the case. The case was that the accused due to enmity in furtherance of their common intention hit PW1 on the left portion of his neck and on the back with a piece of granite stone at 3.30 p.m. on 28.5.1995 and second accused fisted PW1 on his back and chest. Petitioner was the first accused. Under section 313 of the Code of Criminal Procedure, defence of the accused is that PW1 used to abuse the second accused and on the date of the incident, while PW1 was walking towards Erumeli junction and while passing in front of the house of accused used abusive words, first accused approached him and at that time PW1 ran away and he fell down during running hitting the stay wire. PW1 deposed in accordance with the prosecution case. His evidence was supported by the evidence of PWs 3, 4, 5 and 6. Second accused, his wife, was not found guilty, but, from the evidence, it was found that accused No.1, revision petitioner, was

guilty and hit PW1 on his neck and back using a granite stone piece and thereby PW1 sustained injuries. No defence evidence was adduced. On an appreciation of evidence, both courts concurrently found that the accused was guilty and only minimum punishment was awarded. I see no ground to interfere in the conviction and sentence.

The criminal revision petition is dismissed.

J.B.KOSHY
JUDGE

vaa

J.B. KOSHY, J.

Crl.R.P. No.536/2000

Order

Dated:29th October, 2007